

**BOROUGH COUNCIL SPECIAL MEETING
AUGUST 25, 2015
7:00 PM**

The August 25, 2015 Borough Council Special Meeting was conducted on Tuesday, August 25, 2015 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were Mrs. Gerrie Carey, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. David Jenkins, Mr. Herman Johnson, Mr. Dominic Scott, Mr. Patrick Williams, Mayor Patty Lawler (8:15pm), and Solicitor Pat Rogan (7:05pm), and Borough Manager Virginia Kehoe. Absent from the meeting was Junior Councilmember Christian Orlando.

1. **WORKSESSION:** **President Carey**

2. **OATH OF OFFICE – JEFF AMES – EMA DIRECTOR** **President Carey**
Council President Gerrie Carey swore in Jeff Ames as the new EMA Director, Herman Johnson also stood by Mr. Ames and Ms. Carey for the reading of the oath of office.
 - **PUBLIC HEARING – ORDINANCE 2015-09 SALDO AMENDMENT:**
David Jenkins made the first motion to approve Ordinance 2015-09, seconded by Vince Cruciani, vote was 7-0.

3. **PUBLIC COMMENT** **President Carey**
 - **E Greenwood Stormwater Plans:** Kimberly Glemboski spoke to Council about East Greenwood. Ms. Glemboski stated that they were able to get a sketch of what is actually happening with the pipes and this this may coordinate with what the Borough Engineer found. From the top of the hill coming down there is a 36 inch pipe, that comes right behind the house then there is an area that it turns into an oval pipe, also 36 inches. Then it comes into one pipe that leads to the street. That pipe is 18 inches and that may explain some of the challenges that are happening. But it doesn't explain why things are blowing out of the top. David Jenkins stated that maybe some of the back pressure is pushing it back. Virginia Kehoe stated that we were aware that it did go into a smaller pipe. Ms. Kehoe stated that we would still be taking the water from Columbia but there is another section of town that also comes over there. We are taking about half of the water that was in there and re-routing it down Clark. So we would be cutting in half the volume of water that would be going in there. Herman Johnson stated that the biggest problem that he is looking at right now is the larger pipe going into the smaller pipe. We are getting rainwater from South Abington and Glenburn. Ms. Kehoe stated that we are still working on that and that falls in Pat's court. They did a study on the volume of water and rerouting the water was most cost effective. Herman Johnson stated that somewhere down the line you are always

going to have a bottle neck because it is always smaller down below. You might have a freak storm that might have a backup here again. Mr. Johnson does agree with Ms. Kehoe because this is going to be expensive, we are trying to keep it down. Mr. Johnson still thinks we need to do something with the bottom part. He would feel more comfortable and more pleased for our residents if we address that. Mr. Johnson thinks that we are putting a band aid on it but down the road there is going to do be a bottle neck. We are taking numbers from their engineer and our engineer hoping that this will solve it, but we really don't know that. What is the time frame? The engineer was working up a budget for next year for this project, April 2016 we would probably be bidding out the work. Their lawyer was going to contact Virginia Kehoe; she could write up something that they could add into the sale of the house. Ms. Kehoe stated that we can give a summary of what our intentions are. Our Solicitor Pat Rogan would have to go over the summary and give his approval first. Vince Cruciani also stated that there are public meetings minutes that you can give to anybody. Proving that it has been the topic of discussion what our intentions are. Ms. Kehoe stated that is probably the best we can offer because we are not going to guarantee anything. The public minutes show that this is a public discussion with our intentions by making plans with the engineer, budgeting for it next year (April 2016). They could get a copy of the minutes.

Council discussed different areas of the Borough where the streets are being repaired and areas where storm water work is being done and next year being paved. Herman Johnson stated that this Borough would make out better if we had an inspector when we were doing these jobs. It's going to cost some money but we said three times "we have to budget." First where are we getting this money? If it was done correctly we wouldn't have this problem right now. Mr. Johnson believes the contractor should always have an inspector. Discuss this before budget time, it is just a thought. Ms. Kehoe stated that we switched over to use liquid fuels money for everything else that we can put it under that qualifies and use general fund money for the paving so we no longer have to use the Super Pave. That was a problem in past years, now we have much better product.

- **Ordinance 2015-09 SALDO Amendment – vote:** Voted on in the beginning of the meeting.
- **Banners:** Virginia Kehoe stated that Matt Cottengim is waiting to hear from us he sent us an agreement to us with bullet points that he thought we were looking for and he is looking for feedback on that. Vince Cruciani stated that this is not the most precise or professional contract that he's ever looked at for a two year commitment that involves a lot of stuff. Mr. Cruciani though the general consensus two weeks ago was that it wasn't appropriate to subsidize the private advertisement of businesses with taxpayer money. Virginia Kehoe stated that Mr. Cottengim is aware of this and will accommodate either way. Mr. Cruciani stated that we would need to make more changes with the contract. Vince Cruciani stated that what makes him uncomfortable about this whole project is not the project itself but we have an ordinance that doesn't let you have a flag over your store so you're telling me as a business owner that I can't have an open flag in front of my new store but we can have 30 of these. Mr. Cruciani stated the justification of not flying an open flag is because it was distracting. Our sign

ordinance does not comport with this. If we want to do this that's ok but we need to look at our flag ordinance/sign ordinance and think about adjusting that so we don't have to glaring pieces of hypocrisy standing together. Virginia Kehoe stated that she wouldn't say this is hypocritical because they are on a totally different level, they would not be street level. Vince Cruciani stated they are still taking your eyes off the road. Ms. Kehoe stated that we have had a number of complaints from people who want to use the open flags. Pat Williams stated that the reason behind the sign ordinance was because we didn't want to decorate the whole town with signs and everybody and their brother would have them. As far as taking your eyes off the road, everyone has their own responsibility to pay attention to what you are doing. Mr. Williams stated that the signs that we are talking about are completely different, personally Mr. Williams doesn't see any problems with this. Herman Johnson stated that he kind of agrees with Vince. If we are going to do these things, we should have our ordinances right and not contradicting each other. You can say everything is running smoothly but this is where every Borough or Municipality gets in trouble when years down the road people interpret that ordinance. This is why the ordinance has to be just right so that we have a guideline to go by and we won't get in trouble. Vince Cruciani stated that if we had this and somebody sued us stating that this doesn't jive with the ordinance, Mr. Cruciani asked Solicitor Pat Rogan, outside of amending the ordinance to do this, someone would have a standing against the simple resolution correct. Solicitor Rogan stated that he has to look into it, Vince Cruciani has a good point. Ms. Kehoe stated that we already have banners so we are actually taking an action if we sign this contract. But we already have the banners and we have had them for years. We are not adding something that does not already exist. The new banners would have advertising on them that is what's different. Do we want Solicitor Rogan to research any potential liability? Pat Williams said no, Herman Johnson said he thinks we should. Vince Cruciani's concern is not with being legally liable. Ms. Kehoe stated that we could just be accused of being hypocritical. Vince Cruciani said yes and that is his bigger concern. Ms. Kehoe stated that our sign ordinance does allow a lot of advertising, it just restricts the flags, and she knows its restrictions have to do with the walking area. Gerrie Carey stated that we have had the banners for many years and we have never had any issues. This is just a continuance gives the business owners an opportunity to advertise up there. Vince Cruciani asked if there is a bidding process or is there something to indicate vendor preference. How does the allocation of the space occur? Is it first come first serve? Ms. Kehoe stated that if we go forward with this we should adopt a policy on how any future interests should be handled. Vince Cruciani stated that we should make Mr. Cottengim pay for a public advertisement that says that this is available. David Jenkins agreed. This will show the Borough residents that it is open to the public. Herman Johnson stated that he thought he was handling that part and we were just trying to endorse what he is doing. Ms. Kehoe said yes but Vince thinks to run an ad to protect us by letting everyone know this is available. David Jenkins stated that it is our idea and we can put whatever questions we have in there. Pat Williams stated that we should have the option to say yes or no to a banner. Mr. Cruciani stated that was in the contract.

- **Ordinance 2015-08 SAPA Multi Municipal Agreement:** Virginia Kehoe stated now that everyone is on board we need to all officially sign this to say we agree to move forward with this. Ms. Kehoe advertised this for a vote next week. Denise Prowell will be here to answer any questions. Vince Cruciani asked if we are zoned Agricultural in the Borough. Ms. Kehoe stated it might be incorporated in the Detorre's, Ms. Kehoe would have to see.
- **Resolution 2015-11 Residential Antidisplacement and Relocation Assistance – response still pending from County:** Virginia Kehoe stated that Sandy Opshinsky from the County handling the CDBG grants said that she expects something any day now but if we don't have it by next week she asked that we table it until we get that answer.
- **Park Signs:** Vince Cruciani stated that he thinks there is a disconnect with the emails. Mr. Cruciani asked when Virginia Kehoe got the quotes from Young and Pesevento, did you mean to have the signs put up in the air like the old wood signs. Ms. Kehoe stated that she did give them pictures of the existing signs, because the original quote was to replace what was there. Then Mr. Cruciani asked about stone signs so Ms. Kehoe asked about them and Steve Young gave us a quote on stone. Vince Cruciani stated that he want's something durable, 4 feet to 3 feet slant by 3 feet in width and maybe with a 2 foot depth. Concrete slab first then the stone sign. Herman Johnson suggested just getting a price on the stone because that is going to be expensive. David Jenkins suggested getting the Junior Council member involved and he can be our lead man up at the high school. Virginia Kehoe stated that is the labor of putting up the stone. The cost of the stone, the concrete slab and the monument are all going to be huge. David Jenkins asked why we can't have our own DPW guys do the installation of the base. Ms. Kehoe was referring to the cost of the concrete, not the labor that maybe cost prohibitive. Ms. Kehoe stated that the cost of the wood signs for the two parks for \$650.00. Council recommended just ordering the wooden signs. Dave Jenkins stating that it is a no brainer. David Jenkins asked since we are talking about replacing signs, what about the sign for Warren Watkin's sister city. Virginia Kehoe stated that she would ask Steve Young for a price for that also. Vince Cruciani asked Ms. Kehoe to find out if the signs will be painted by Steve Young. Pat Williams was comparing the signs from Joe Kluck and Steve Young stating that Joe Kluck's signs are much more impressive than painting. He uses gold inlay, they are extremely expensive. David Jenkins suggested Pat Williams check out the signs done by Mr. Young and he will find that they are just as good quality or even better. Our DPW will install the poles at the parks. Vince Cruciani asked about a property for sale at the corner of Florence and Carol Drive, he thinks it is recreational. Someone has it for sale but they cannot build a house on that that is a little dis-ingenuous. Ms. Kehoe stated that we are not selling it and she cannot tell them they cannot sell their property. Mr. Cruciani asked with our MS4 should we even be trying to sell our property on Summit. Mr. Cruciani suggested putting some trees on it and make it forever and land bank, not a park, a conservation space. This way we gain MS4 initiative. The tax revenue from a house there won't make a big difference.
- **Depot Street Pocket Park use policy:** Virginia Kehoe stated that Mayor Lawler developed a policy for the Pocket Park. Ms. Kehoe stated that we had someone come in last week the Karate teacher on Depot Street came in asking if he can use

it for a party for his students. We don't have anything established. Ms. Kehoe asked for Council to look it over so we can talk about it next week. David Jenkins stated that he has no objections with what the Mayor put together and he thinks this should go on the agenda for the next meeting. Vince Cruciani stated that it is a good idea, if we could get classes in the park three days a week for an hour in the summer or reserved time periods, it is not the worst idea. Vince Cruciani asked if this is an agreement for exclusivity. Ms. Kehoe stated that this is only saying that we are going to make sure that the pavilion or a specific section of the park is made available for you. It does not say that no other people are allowed in the park. Mr. Cruciani stated that needs to be made clear in the document and we need to talk about time periods. Vince Cruciani suggested talking to Mayor Lawler about this before they vote on it.

- **Parking Meters:** Virginia Kehoe presented two quotes for the parking meters. The \$71,000 quote includes the ability to read cards; it is \$8,500 more to have that ability. Vince Cruciani asked about what the warranty is. Chief Yarns asked about the price for a new cart that is also included in the quote. Ms. Kehoe stated that Chris Yarns recommends that we double the price of the times on the meters, asking if Council wants to ask about doubling the fines. David Jenkins stated that he thinks the minimum amount should be a quarter. Ms. Kehoe stated that 5 cents gives you 12 minutes. David Jenkins stated that a quarter should be 15 minutes; Mr. Johnson stated that is what Scranton does. Pat Williams stated that he doesn't want to be like Scranton, but that is not a bad idea. Mr. Jenkins stated that we can be whatever we want it to be. Gerrie Carey asked about tokens from merchants and how that would work. Ms. Kehoe stated that we would have to buy the tokens that would not affect the cost of the meter; it would affect how you program the meters. Mr. Cruciani asked what the advantage of the token is. David Jenkins stated that the merchants can buy them and put them out so they are available for the customers. Ms. Kehoe stated that our coins come to a little over \$20,000 a year. Theoretically this might double if they change the fines to double. Herman Johnson stated that maybe we should get rid of the parking meters. You will have to wait 3 or 4 years to get your investment back on this new system. Mr. Johnson was wondering if it is feasible for us to buy something like this for a boost of \$24,000 and have our business people suffer. He is bringing it up for discussion not saying if this is good or bad. Mr. Johnson also stated that we have a Police Department is still understaffed. Mr. Johnson replied, well not now. Mr. Johnson said yes they are Vitali was never replaced, Chris Yarns was never replaced, and Joe Kopecki wasn't replaced. Vince Cruciani stated that normally a Chief works with 6 full time officers. We have 4. Mr. Johnson stated that you need to have the enforcement at the meters, is this all really worth it and you don't want your business people to suffer too. Vince Cruciani stated that he understands the point about the renters and such and he wonders if you put up one hour parking signs that have really high fines. Virginia Kehoe asked what happens to the ten hour meters on Depot Street. One hour doesn't work with a restaurant either. Enforcement is really tough. You would have to get someone dedicated to this. Have to get someone just for enforcing meters. Virginia Kehoe stated that we don't have the parking meters to make money the meters are a service that we provide the businesses and the fees that we collect are to offset the expenses that we incur. Theoretically they should break

even, we are putting more money into maintenance repairs and enforcement than we are getting. This is not for profit. Gerrie Carey asked about the truck traffic, will that affect the meters. Mayor Lawler was looking for a guarantee that these meters would be better than what we have now even with the heavy traffic. The trucks are carrying pallets of wood, and flagstone etc. The best thing would be if the trucks could pay a tariff. We are getting hammered with the roads. Ms. Kehoe stated that we would have to ask what the warrantee and the guarantee is with this product, George Carros has always said the more electronic they are the more they will be impacted by the heavy traffic. That's why we chose more refurbished meters. Vince Cruciani suggested that we change out the meters that aren't working and make them .50 cents an hour. Ms. Kehoe stated that if you're are going to change it to .50 cents an hour the cost of re programming the existing ones, you may as well replace them all at one time. Ms. Kehoe also stated that \$26,000 is the cost to replace the meters; the rest of the cost is to replace the housing. We don't have to do that but the old housing is pretty old and beat up and Chief Yarns feels that they are past their lifetime. David Jenkins stated that he would be more in favor of the one for \$200 with the card reader because everyone has a card on them, you pop in whatever you need to pay and it's a done deal. Vince Cruciani stated that he agrees with that but how do we finance that. Mr. Cruciani stated that the meters cost \$72,000. If we count on the current \$20,000 in our operating budget to enforce the meters, let's say we raise another \$30,000 by raising our fines and increasing our costs. We are still down \$42,000. Mr. Cruciani stated that he is in favor of this how are they going pay for it. David Jenkins and Pat Williams suggested spreading it out over 2 or 3 years. Virginia Kehoe stated that we could buy the new meters next year and buy the housing the following year. Mr. Cruciani stated that was also his thought. Mr. Cruciani also stated that if we buy the new meters and they start paying for themselves we can do the housing as needed. Ms. Kehoe stated that to buy all new meters with card readers would cost \$35,000, but that is half of the price of the quote. David Jenkins agreed that we can probably get away with getting the housing as we need it. Ms. Kehoe will verify that we can buy the new meters without the housing. Get that information, find out the guarantee, are there any that actually need housing next year. Ms. Kehoe stated that right now we have a law about how much the meter payments are so we will have to change that. Mayor Lawler stated that if we extend the time from 6pm to 8pm we could make money with the eateries. David Jenkins asked who was going to enforce it; it makes no difference if they are not enforced. Mayor Lawler stated that the police will write the tickets. Ms. Kehoe stated that we know that we bring so much per month in tickets at \$5. If we hired a part time meter maid. David Jenkins stated that we had one of those years ago and it cost us a lot of money to get out of that deal. Mr. Jenkins is not in favor of something like that. Herman Johnson suggested Virginia Kehoe does the research then we can get back together and talk about enforcement and prices etc. Pat Williams stated that all of these things need to be discussed, take in consideration the ABPA, because we have gone through this many times before. Herman Johnson agrees but let's get Ms. Kehoe's research first. We have to iron everything out but he thinks this is down the road.

Vince Cruciani stated that concerning the Construction Ordinance and the loudness of certain machinery. He has ideas and would like Council to brainstorm also. On the weekend, from Friday through Sunday limit the times that construction can happen. Virginia Kehoe asked how do we enforce it when it's the state paving. For legal purposes can we pass a law that we already know of a group that will not abide by it. Mr. Cruciani stated that we can't stop the state from doing their road work. Mr. Cruciani is talking about contractors who come in early on the weekend and Federal Holidays. Discuss this next work session.

Mayor Lawler discussed the rental situation at the Pocket Park. Vince Cruciani asked if Mayor Lawler wanted to make it an exclusive rental situation or not. Mayor Lawler stated that she thinks it would be a good thing to do for revenue, we are asking for donation instead of a set rental. Mr. Cruciani stated that we can always give a volume discount for someone who wants to have regular classes there, but we shouldn't rush into this and we should think about this because it could drive a lot of revenue. David Jenkins also stated that we do have exclusivity when renting at the Borough building. Ms. Kehoe asked if we can tell people that the park is reserved and they can't go in the park. Mr. Cruciani stated that this is a fenced in park which makes the difference. Mr. Cruciani stated that when you rent the park you should get a sign and put it on the front stating the date and time that the park is reserved. Ms. Kehoe stated that you have to make sure you have somebody to make sure these signs are up, Ms. Kehoe stated that you need to put the signs up in advance. Herman Johnson stated that if you research this enough he doesn't think you can do it. You won't be able to reserve the whole entire park. Mr. Cruciani suggested that someone from the Borough goes to the Pocket Park every Friday and posts the schedule of events. Mr. Cruciani stated that you would have to have something reserved at least 2 weeks ahead of time. Mayor Lawler stated that this is more complex than she envisioned. Mayor Lawler is talking more about non-profit groups. With families she doesn't want to get so intricate and exclusive. Ms. Kehoe stated that if somebody wants to guarantee that it is available to them then they would have to sign a policy and then somebody has to enforce it for them and make sure that it is available for them.

4. REVIEW OF SEPTEMBER 2, 2015 AGENDA

5. ADJOURN:

President Carey